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IN THE

Supreme Court of the United States

OCTOBER TERM—1956

No.

~~749~~ 76

REBECCA MAISENBERG,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent

PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

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—♦—
**PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT
OF APPEALS FOR THE
SIXTH CIRCUIT**

—♦—
Petitioner prays for a Writ of Certiorari to review a final judgment of the United States Court of Appeals for the Sixth Circuit affirming the judgment of the United States District Court for the Eastern District of Michigan, Southern Division revoking and cancelling Petitioner's Certificate of Naturalization.

OPINION BELOW

A single opinion was rendered on November 26, 1956 by the Court of Appeals in this case and the case of *Nowak v. United States* (in which Petition for Certiorari also is being filed). The opinion does not appear to have been reported. A copy is included in the Appendix to the *Nowak* Petition.

The opinion of the District Court is unreported but is included in the Appendix to Appellant's Brief in the Court of Appeals.

JURISDICTION

The judgment of the Court of Appeals was rendered on November 26, 1956. The jurisdiction of the Supreme Court of the United States is invoked pursuant to the provisions of 28 U. S. C. Sec. 1254.

QUESTIONS PRESENTED

1. Does the "Affidavit of Good Cause" filed with the Complaint herein satisfy the requirements set forth by this Court in its opinion in *U. S. v. Zucca*, 351 U. S. 91?

2. Does the evidence establish the charge that Petitioner's naturalization was procured by concealment or misrepresentation?

3. Is the Naturalization Court's finding of good moral character and attachment subject to re-examination?

4. Was Petitioner deprived of her citizenship in violation of rights guaranteed her under the First and Fifth Amendments to the Federal Constitution?

STATUTES INVOLVED

All of the statutes involved in the Petition in *Nowak* (pps. 3-5) are involved here. Additionally, there is involved here the Immigration and Nationality Act of 1952 (66 Stat. 166, 8 U. S. C. A. 1101, *et seq.*) The cancellation provision under this 1952 law (Section 340) is essentially the same as under the 1940 Act except that the grounds for cancellation were changed. Cancellation was authorized "on the ground that such order and certificate of naturalization was procured by concealment of a material fact or by willful misrepresentation * * *." (8 U. S. C. A. 1451(a).)

STATEMENT

Petitioner was born in Russia in 1901. She came to this country in 1912 with her mother, sister and two brothers to reside with their father in New York City. In 1917 she married and in 1926 she and her husband moved to Detroit where they have lived ever since. From 1926 to 1937 Petitioner and her husband operated a hat and dress shop in Detroit. Her husband is a naturalized citizen. Petitioner was naturalized by the Federal District Court at Detroit on January 24, 1938. She has no criminal record. She and her husband have one daughter and two grandchildren.

The Pleadings

This denaturalization proceeding instituted in March, 1953 is pursuant to the Immigration and Nationality Act of 1952. The Amended Complaint (App. 2a)¹ charges in the

¹ "App. 2a" refers to the printed Appendix filed with the Appellant's Brief in the Court of Appeals.

language of that Act, the Petitioner's naturalization was procured "by concealment of material facts and by wilful misrepresentation", in that the following statements made by her under oath were knowingly false:

- "(a) That she fully believed in the principles and form of government of the United States; and that she did not belong to and was not associated with any organization which teaches or advocates the overthrow of existing government in this country. This statement was made in Preliminary Form for Petition for Naturalization filed with the District Director Immigration and Naturalization Service, Detroit, Michigan, on or about June 30, 1937; ●
- (b) That she was not a disbeliever in or opposed to organized government or a member of or affiliated with any organization or body of persons teaching disbelief in or opposed to organized government; that she was attached to the principles of the Constitution of the United States and well disposed to the good order and happiness of the United States; and that she would renounce absolutely and forever all allegiance and fidelity to any foreign prince, potentate, State or sovereignty of which she was a subject, and particularly to the Union of Soviet Socialist Republic. This statement was made in her petition for naturalization;
- (c) That she would support and defend the Constitution and laws of the United States of America against all enemies foreign and domestic; that she would bear true faith and allegiance to the same; and that she took this obligation without any mental reservation or purpose of evasion. This statement was made in open court in Oath of Allegiance, more fully set out in paragraph 5;"

The above statements are claimed to be false because the Petitioner was a member of the Communist Party of the United States from 1930 to the date of her naturalization in 1938; that she concealed this fact; and, that during this time the Communist Party "Advised, advocated, or taught the overthrow by force and violence of the government of the United States", and was a section of an international organization in Moscow whose decisions were binding upon the Communist Party of the United States and its members; and that Petitioner "was familiar with and approved of the above teachings of the Communist Party."

Attached to and made a part of the Complaint is the affidavit of one Reuben Speiser (App. 8a) who appears to be the same affiant and the affidavit is essentially the same in form as the affidavit described in the *Nowak* Petition for Certiorari (pps. 7-8). The allegations of the affidavit are virtually identical with those quoted above from the Amended Complaint.

Petitioner's Motion to Strike certain portions of the Complaint and Affidavit (App. 13a); or in the alternative to require more specific information concerning the "official records" referred to in the affidavit and the production of such as are referred to in the affidavit, was denied.

Petitioner's Answer admitted execution and filing of the Petition for Naturalization, the taking of the oath and the grant of naturalization, but placed in issue all the other material allegations of the Complaint.

The Answer also challenged the sufficiency of the affidavit of "good cause". Additionally, it moved for dismissal of the Complaint on the ground that Section 340

(a) of the Immigration and Nationality Act (8 U. S. C. A. 1451 (a)), under which this action is brought, on its face and as applied to Petitioner, is unconstitutional under the First and Fifth Amendments to the Federal Constitution.

The Evidence

Six (6) witnesses were called by the Government, five of whom identified the Petitioner as a member of the Communist Party in the pre-1938 period.² The testimony of these witnesses is summarized in an Appendix to this Petition, wherein we set forth their verbatim testimony as to everything related to the issue of advocacy of force and violence by this Petitioner or by anyone else in Petitioner's presence.³

Additionally, it was stipulated by counsel for the respective parties that two other non-resident witnesses, John Lautner of New York City and Frank Meyer of Chicago, if called as witnesses by the Government, would each testify that he was "an active member and functionary of the Communist Party of the United States" from 1929-1950 and 1934-1945 respectively; and

"that it was their understanding, on the basis of their membership, training experience, and activities in the Communist Party of the United States and on the basis of the documents, pamphlets and literature hereinafter mentioned, which were circulated, distributed, printed, or published by the Communist Party of the United States during all or part of the period of their membership, that during the entire period of their membership the Communist Party of the United States advocated, taught, and advised the

² The Trial Court permitted another witness, Baldwin, to testify as to the Petitioner's membership in the post-1938 period (Tr. 141).

³ In the preparation of this Appendix, we have endeavored to include every reference to Trial Transcript cited or relied upon by the Government in its brief below.

overthrow of the government of the United States by force and violence.”

It was further agreed that the above stipulation and the documents listed therein would be received in evidence in lieu of the appearance of these witnesses.⁴

No evidence was offered by Petitioner.

⁴ The following documents were received as Government Exhibit No. 3.

(a) “The Communist Manifesto”, by Carl Marx and Frederick Engels, by International Publishers, Inc.;

(b) “State and Revolution”, by V. I. Lenin, copyrighted 1932 by International Publishers, Inc.;

(c) “Left Wing Communism and Infantile Disorder”, by V. I. Lenin, copyrighted by International Publishers, New York, 1940;

(d) “Program of the Communist Internationale”, copyrighted by Workers Library Publishers in 1929, third edition printed in February, 1936;

(e) “Foundations of Leninism”, by Joseph Stalin, copyrighted in 1939 by International Publishers, Inc.;

(f) “The Communist Party. A Manual on Organization”, by J. Peters, published in 1935 by the Workers Library Publishers;

(g) "The Struggle Against Imperialist War and the Tasks of the Communists", published by the Workers Library Publishers, second edition of July, 1934;

(h) "Why Communism", by M. J. Olgin, published by Workers Library Publishers, December 1933;

(i) "Why Every Worker Should Join the Communist Party", published by Workers Library Publishers, Inc., no printing date being shown;

(j) "Problems of Leninism", by Joseph Stalin, copyrighted in 1934 by International Publishers Company, Inc.;

(k) "The Ultimate Aim", copyrighted in 1935 by International Publishers Company, Inc.;

(l) "Report to the Eighth Convention Communist Party", by Earl Browder, 1934, published by Workers Library Publishers;

(m) "Resolutions of the Seventh Congress of the Communist Internationale", published in 1935, Workers Library Publishers;

(n) "The Twenty-One Conditions of Admission into the Communist Internationale", by O. Piatnitsky, published by Workers Library Publishers, published February 1934.

(There is no evidence here that this Petitioner ever read or was in any way familiar with the contents of any of these books.)

The Opinion Below

The Trial Court's opinion (App. 26a) sustained the sufficiency of the "good cause" affidavit. The Court said:

"To begin with, there is a presumption that recorded acts of government officials and general records are regular (*LaPorte v. Bitker*, 145 F. (2d) 445), a presumption which can be overcome only by clear evidence to the contrary (*Reines v. Woods*, 192 F. (2d) 83). While it does not appear probable under these circumstances that an attorney making an affidavit would purposely misquote the record, it is possible, and defendant should have the opportunity to make an examination and to check those records, but the presumption still remains in favor of their accuracy. See *U. S. v. Leles*, 227 Fed. 189; *Turlej v. U. S.*, 31 F. (2d) 696."

On the issue of concealment and misrepresentation, the entire opinion of the Trial Court was as follows:

"This is an action to cancel defendant's certificate of naturalization on two grounds (1) concealment of a material fact, and (2) wilful misrepresentation.

"The proof is similar to that found in the case of *U. S. v. Nowak* decided July 15th, 1955 by this court, and the court finds that defendant did conceal (a) the fact that she was a member of the Communist Party when she filed her petition and when she obtained her citizenship; (b) that she was aware that the Communist Party, to which she belonged, was an organization having as an objective the overthrow of this government by force and violence; (c) that she was not a person of good moral character attached to the principles of the Constitution of the United States and (d) well disposed to the good order and happiness of the same, and that, on the contrary, she represented that (a) she was a person

of good moral character (b) attached to the principles of the Constitution of the United States (c) well disposed to the good order and happiness of the same, and (d) ~~not a member of any group opposed to those principles or having as an objective the overthrow of the government of the United States by force and violence.~~

"It is apparent, therefore, that this court has adequate grounds for the cancellation of her citizenship."

The Order of Cancellation (App. 28a), entered on August 12, 1955, refers to the opinion but does not set forth the grounds for cancellation.

The Court of Appeals, affirming the Trial Court, held that all of the legal issues presented (except as to the sufficiency of the affidavit of good cause) "have been adjudicated adversely" to Petitioner by the prior opinions of the Court of Appeals wherein that Court had cited the Supreme Court's holding in *Knauer v. United States*, 328 U. S. 654; *United States v. Ginsberg*, 243 U. S. 472; *Schneiderman v. United States*, 320 U. S. 118; and *Dennis v. United States*, 341 U. S. 492. It concluded that the District Court's findings "were not clearly erroneous" and that its conclusions of law were "supported by the highest authority."⁵

The Court of Appeals also held that the affidavit of good cause here "was an adequate compliance with the statutory requirements as interpreted in the *Zucca* case," (351, U. S. 91).

⁵ The Court of Appeals relied upon its prior decisions in the *Sweet, Charnowola* and *Chomiak* cases, 211 F. (2d) 118 (1954), cert. den. 348 U. S. 817. However, naturalization in each of these cases had been granted under the 1940 Act and, as we had pointed out above (*supra*, 3-4) the qualifications were different from those under the 1906 Act which is involved here.

REASONS FOR GRANTING THE WRIT

All of the reasons as set forth in the *Nowak* Petition, for the granting of the writ there apply here. Additionally, here we deal with a denaturalization proceeding instituted under the new provisions of the 1952 Act. As we have seen (*supra*, p. 3) this new Act changes the grounds for denaturalization. It is believed that this is the first time this Court has been asked to pass upon the meaning and the effect of the new grounds for denaturalization.⁶

ARGUMENT

I.

THE AFFIDAVIT OF GOOD CAUSE DOES NOT SATISFY THE REQUIREMENTS OF UNITED STATES v. ZUCCA

As we have stated above, there is no substantial difference in form or content between the "affidavit showing good cause" here and that filed in *Nowak*. Accordingly, we incorporate here by reference our argument made in the *Nowak* Petition (pp. 19-24).⁷

⁶ Government Counsel advised the Trial Court that this is the first case to be tried under the 1952 Act. (Transcript of January 26, 1955, p. 18.)

⁷ Since the Petition in *Nowak* was filed, our attention has been called to the unreported decision of Judge Harrison in *United States v. Diamond*, S. D. Cal., No. 17412-BH, decided July 26, 1956. Judge Harrison, citing this Court's holding in *Zucca*, held that the filing of a sufficient affidavit at the time the cause is instituted is jurisdictional; and the failure to do so is not cured by the subsequent filing, nor by the presentation of all of the Government's proofs at the trial. The Government has appealed from his dismissal of the action.

II.

**THE EVIDENCE FAILS TO ESTABLISH THAT PETITIONER'S
NATURALIZATION WAS PROCURED BY CONCEAL-
MENT OF MATERIAL FACTS OR WILLFUL
MISREPRESENTATION**

This Court is called upon for the first time to determine the meaning of the new grounds for denaturalization set forth in the 1952 Act. The prior law authorized denaturalization in cases where the certificate of naturalization was obtained by fraud, or was illegally procured. The 1952 Act substitutes the language "procured by concealment of a material fact or by willful misrepresentation."

We assume here, solely for the purposes of our argument, that Petitioner was a member and held a local office in the Communist Party at the time of her naturalization in 1938 and for a period of years prior thereto. It is conceded by the Government (Transcript for Jan. 26, 1955, p. 12) that she was not asked whether or not she was a member and it is clear she did not volunteer this information.

The first question, therefore, is whether or not this constituted "concealment of a material fact or willful misrepresentation" within the meaning of the 1952 Act.

Shortly after the 1952 Act became effective (December 24, 1952) the Harvard Law Review (66 Harv. L. R. 643) presented an extended article entitled "Developments In the Law—Immigration and Nationality". At page 719 the editors have this to say about the new grounds for denaturalization set forth in the 1952 Act.⁸

⁸ We omit here the copious footnotes.

"Grounds.—(a) In General.—Prior to the 1952 Act, a judgment of denaturalization could be secured only upon a finding that the naturalization decree was obtained by 'fraud' or 'illegal procurement'. In practice courts often found it difficult to differentiate these two grounds and failed to specify upon which the cancellation rested.

"Naturalization was illegally procured if some statutory requirement needed to qualify the alien for citizenship was lacking when the petition was granted. Thus where the final hearing on naturalization was held in the judge's chambers instead of in open court as required by law, citizenship was illegally procured. However, other procedural irregularities were often considered of minor importance and were discounted as mere technical or clerical errors. Cancellation for illegal procurement was also granted where the alien's conduct previous to naturalization showed a lack of good moral character. In such cases revocation might have been based on fraud because the petitioner had failed to disclose conduct he knew to be illegal but the Government by proceeding on the ground of illegal procurement avoided having to prove an intentional withholding of information.

"In those cases where fraud was alleged, attempts to define the term led to confusion. Some courts held that only 'extrinsic' fraud was sufficient for denaturalization, some talked in terms of 'legal' fraud, and others realistically ignored these vague and artificial categories and considered only whether the act in question constituted concealment or misrepresentation.

"The 1952 Act drops illegal procurement as a basis for denaturalization and so eliminates the harsh consequences of mere procedural defects over which the prospective citizen had no control. Fraud is replaced by the more precise terms, 'concealment of a material fact or * * * willful misrepresenta-

tion.' Since it was the primary intent of Congress to clarify the meaning of fraud, cases decided under the old provision may still be of assistance. Although the new Act does not specifically define 'concealment', previous use of the word in fraud cases and its normal connotation indicate that intent is necessary. A 'material fact' as expressed in the Act would seem to be one which if known at the time of naturalization would have prevented the granting of citizenship. This would include illegal entry, insufficient period of residence, and any fact showing lack of good moral character, such as a past criminal record.

"The new language presents a troublesome problem of construction in that willful misrepresentation is not expressly restricted to material facts. Hence it can be argued that the intentional misstatement of any fact would be grounds for denaturalization; but it is doubtful that where minor prevarications are involved the Government would seek revocation or a court would find that the necessary willful misrepresentation existed. Furthermore, the results of earlier cases indicate that fraud had to concern a material fact, even when the statute did not so require. However, any misstatement bears directly on the material fact of good moral character, and thus it is possible that minor misrepresentations may be held sufficient for denaturalization."

Included as footnote 603 to the above discussion is the following:

"In recommending a return to the prior provisions (i. e. fraud and illegal procurement) the President's Commission argued that the new grounds will result in greater confusion, *and that with the deletion of illegal procurement, a subversive or criminal is subject to denaturalization only if questioned when naturalized about his unlawful activities.* President's Commission Report 249 (1953)." (Emphasis ours.)

A more extended treatment of the denaturalization provision of the 1952 Act is to be found in 51 Mich. L. R. at page 893.

We think it clear that "concealment of a material fact or willful misrepresentation" are merely different sides of the same coin; both are embraced within the term "fraud" as that term is judicially understood. Indeed, Government counsel informed the Trial Court here (Transcript for Jan. 26, 1955, p. 13):

"While the framers of the Act did not intend to do so, I am certain, they have practically—and I won't—I am not admitting this, but for the purpose of argument it seems to me that they have written illegality out as a ground for denaturalization and that concealment of a material fact or misrepresentation are just two elements of fraud, in effect.

• • • • •

"The Court (interposing): You claim fraud.

Mr. Hamborsky: We haven't claimed fraud.

The Court: What do you claim?

Mr. Hamborsky: We claim concealment of a material fact and for willful misrepresentation.

The Court: Well, isn't that fraud?

Mr. Hamborsky: That is right. That is exactly what I say, that—."

As we point out in our Petition in *Nowak* (p. 25), at least three primary elements must converge before a claim of fraud is established. There must have been (a) a misrepresentation (or concealment) of (b) a material fact with (c) knowledge of its falsity. Thus, if the finding of fraud is to be sustained here, it must appear from the record by "clear, convincing and unequivocal" evidence that:

1. Communist Party membership was material on the issue of Petitioner's naturalization;
2. Petitioner misrepresented (or concealed) her alleged Communist Party membership by giving a negative answer to Question 28; and
3. Petitioner must have known that her negative answer to Question No. 28 was false.

Petitioner here was naturalized in the same year (1938) and under the same statute as that under which the Petitioner in *Nowak* was granted citizenship—the 1906 Act. Our legal argument and the authorities cited in the *Nowak* Petition (pp. 25-32) in support of the view that Communist Party membership was immaterial to naturalization under the 1906 Act, and that a negative answer by a Communist Party member to Question No. 28 in the Preliminary Form of Petition for Naturalization, did not constitute concealment or misrepresentation is equally applicable here and is, therefore, incorporated herein by reference. We would supplement our argument in *Nowak* by pointing out that, unlike in *Nowak*, there is here no claim by the Government that Petitioner was asked concerning Communist Party membership.

The Showing As to Petitioner's Knowledge of the Advocacy of the Communist Party

We come, then, to the third essential requirement which the proofs here must meet before a charge of concealment or wilful misrepresentation is established, namely, a showing that Petitioner herself taught and advocated doctrine proscribed by the 1906 Act or that she knew the Communist Party as an organization which engaged in such teaching and advocacy. *Schneiderman v. United States*, *supra*, and *Weiman v. Updegraff*, 344 U. S. 183:

We invite the attention of the Court to the Appendix which we have included with this Petition. We believe this Appendix not only gives a complete summary of the evidence adduced by the Government; it also gives, in question and answer form, the exact testimony of every witness concerning his understanding of what allegedly was taught him at various Party "schools" or what he was told by alleged officers of the Party.

We submit that a mere reading of this testimony will show that it does not begin to approximate the "clear, unequivocal, and convincing" proof required by *Schneiderman, supra*. And this is so even if it be assumed that membership of the Petitioner in the Communist Party is established. The Trial Court found that the Party had as its objective in 1938 the overthrow of the Government of the United States by force and violence and that Petitioner was aware of this objective. We submit that, under the *Schneiderman* standard, the evidence here fails to support these findings.

There is, however, a further defect in these findings. The findings—and the evidence on which they are predicated—fail to establish the requirements of the statute (the 1906 Act). For, as we have seen, the 1906 Act was addressed to anarchy and did not encompass organizations having as "an objective" the overthrow of existing government in this country.

None of the evidence here supports the view that the Communist Party was an anarchist organization; and certainly there is no proof that this Petitioner knew it as such. Thus, the finding of the Trial Court in this respect not only fails to bear out the requirement of the statute and the allegations of the Complaint; there is here no evidence upon which a legally sufficient finding of "concealment" or "willful misrepresentation" could have been made.

III.

**THE NATURALIZATION COURT'S FINDING OF GOOD
MORAL CHARACTER AND ATTACHMENT
CANNOT BE RE-EXAMINED IN THE
ABSENCE OF FRAUD**

The argument set forth in the *Nowak* petition (pp. 42-46) in support of this contention applies with equal force here. We have seen that the 1952 Act's use of the phrase "concealment of a material fact or willful misrepresentation" was meant to cover the former Act's requirement of or showing of fraud. We have pointed out that the evidence here fails to show fraud. The Trial Court, however, predicated its finding of lack of good moral character and attachment upon the fact (which we have assumed throughout) that the Petitioner was a member of the Communist Party and concealed such membership. If, as we have argued herein, such membership was immaterial, was not proscribed by the 1906 Act, and Petitioner had no reason to ascribe the proscribed qualities to the Communist Party at the time of her naturalization, then it cannot be said that her failure to disclose such membership is indicative of bad moral character or lack of attachment to the principles of the Constitution.

IV.

**THE ORDER OF DENATURALIZATION VIOLATES THE
FIRST AND FIFTH AMENDMENTS**

Here, again, the argument of this point in the *Nowak* Petition (pp. 46-49) is pertinent. Notwithstanding the suit here is under the 1952 Act rather than the 1940 Act, the result is the same. The judgment, if authorized by that Act, nevertheless has the effect of penalizing this Petitioner for alleged speech and associations protected

by the First and Fifth Amendments. Nowhere in this entire record is there any evidence of the use by this Petitioner or anyone in her presence of "language inciting to action"; nor is there here any evidence from which it could possibly be concluded that the Communist Party in 1938 presented "a clear and present danger of substantive evil".

CONCLUSION

The Writ of Certiorari should issue and the judgment below should be reversed.

Respectfully submitted,

GOODMAN, CROCKETT, EDEN &
ROBB,

By: ERNEST GOODMAN and
GEO. W. CROCKETT, JR.,
Counsel for Petitioner.

Detroit, Michigan,
January, 1957.

APPENDIX

The following excerpts from the Trial Transcript represent all of the oral testimony adduced by the Government's witnesses on the question of teaching and advocacy by the Petitioner, or by the Communist Party, of the "overthrow of the government of the United States." The excerpts are given chronologically and the page reference is shown for each. The designation (N. —) refers to the separate transcript for the witness Nowell.

WITNESS NOWELL

[Witness Nowell identified Petitioner as a Section Organizer for the Communist Party in Detroit in the period from 1930, when he allegedly assisted in recruiting her into the organization (N. 26) until the latter part of 1935 when Nowell left the organization. He also testified that during his membership in the Party he was taught that the Communist Party of the United States was a section of the "parent" organization, the Communist International, whose decisions were binding upon each member of the Party (Tr. 22-24). The witness was asked to describe the duties of the Petitioner as a Section Organizer:]

(N. 30) A. Her duties were to transmit and implement the decisions of the District Bureau to the Section membership; to direct the Party membership of the Section through the Section Bureau and the Unit organizers. To serve as the physical and political contact between the District Committee and the Bureau and the Section Committee of that Section. And, of course, the duties constituting her work of the Communist Party in that Section. She was responsible, politically responsible for effecting the policies of the District Bureau.

Q. And during the period of your membership in the Communist Party and your familiarity with Rebecca Maisenberg, did you ever have occasion to discuss with her the policies, aims and objectives of the Communist Party?

A. Yes, I did.

Q. And what did she say or what did you say?

.

A. It is not limited to one occasion, nor do I purport to quote verbatim what she said. From the latter part of 1935—and this is a little bit at variance with the question, but I am simply qualifying it with sort of an introductory remark—I was a member until I left the Communist Party at the end of the 1936. So, therefore, it was more than one conversation, over a period of six years, I have discussed with her the aims and purposes of the Communist Party.

.

(N. 31) Q. (By Mr. Hamborsky): And I would like to know what she said in respect to them?

A. *Well, she adhered to the principles and objectives and the final objective of the Communist Party.*

.

(N. 32) A. I meant she said she adhered. That is actually what I meant. On occasions at Section and Bureau meetings, where she was required to give reports to the Section Committee, on policies and on decisions of the Bureau, involving decisions of the Central Committee or instructions that were set forth in the theoretical articles—political theoretical articles, it was her duty, as it was all Section organizers, to explain these to the membership. Frequently I had discussed it with her and she said *that she adhered to the principles and objectives and the final objective of the Communist Party of the United States and the Comintern.*”

.

(N. 33) Q. (By Mr. Hamborsky): And did you ever have occasion to discuss with her her personal beliefs in respect to those aims and objectives?

A. Most of the discussions were about her personal beliefs. Yes, I did.

Q. And what did she say in respect to that?

* * * * *

A. Well, in 1930, when Samuel Milgrim and I, at the Workers Club, Jewish Workers Club, were recruiting or attempting—

* * * * *

(N. 34) A. And Milgrim and I explained the whole of the program, policies, and final objective of the Communist Party, *including the violent overthrow of the government.*

The Court: You told her that that is the ultimate plan of the Communist Party?

A. That is correct.

The Court: *The overthrow of this government by force and violence?*

A. *Surely, so she said this—I quote almost verbatim—that she agreed with that policy* and that was not the reason she had not joined and was, perhaps, a little hesitant for some time, but she had a family and they had a business, and she was helping her husband and one of the children were—was fairly young and she was—

The Court (interposing): One child was what?

A. Was rather young, and that she did not feel that she had the time before then to participate fully in Communist Party activities. But then she felt she could, so she agreed to join.

The Court: That was about—that was when?

A. 1930.

Q. (By Mr. Hamborsky): Well, then, I believe you have stated her activities in the Party, at least up until the time you left? Is that what you have testified to before?

(N. 35) A. Generally those were her activities. I can't go into detail because they were many.

[On cross-examination Nowell testified that he recruited "perhaps 15 or 20 persons into the Communist Party" in the six or seven years of his membership. (N. 45-46) He did not always tell his new recruits that the "*objectives of the organization they were joining was that they must want to overthrow the government of the United States by force and violence*" but he did remember "more or less speci-

cally" telling the Petitioner that this was the objective. (N. 47) He admitted that the first time he "specifically" had occasion to recall this conversation with Petitioner was "approximately two years ago"; which was "approximately twenty-two years after the conversation occurred". (N. 50) He stated that the conversation and recruitment of Petitioner occurred in a clubroom in which were "not more than ten or twelve people" milling about the place, talking in groups, some sitting and some of them standing; this was the night Petitioner "agreed to join the Communist Party" and "Milgrim supplied her with the application card". (N. 51-544.)

Nowell left the Communist Party at the end of 1936. Since 1939 he had been "very strenuously and openly anti-Communistic, that is, in the sense that he had both spoken and testified against the Communists or the Communist Party." He stated "I have been opposed in principle to the theory, program, strategy, tactics and the whole of Communism since I left it at the end of 1936" (N. 60).

Beginning in 1940 Nowell was employed by the Ford Motor Car Company "providing information concerning Communism, Communists, or the Communist Party to the company" and also "to the Federal Bureau of Investigation" (N. 62).

Since 1948 he had been employed by the Immigration and Naturalization Service on "work in connection with Communism, the Communist Party and related matters." Among his duties is that of "identifying persons as having been members of the Communist Party" (N. 72-75).

He stated that he had testified for the Service in "approximately 35 deportation and denaturalization proceedings and he had testified in "about six" Smith Act cases. His employment carried no Civil Service status. It had been on "a contract basis" but at the time of his appearance here he was "employed from day to day" at \$25.00 per day. This was his only employment and "the understanding" was that he would be employed 18 days a month (N. 78-79).

On re-direct examination Nowell testified as follows:]

(N. 86) Q. (By Mr. Hamborsky): Now, I believe, Mr. Nowell, in answer to a question by Mr. Goodman that Com-

munist recruiters normally explained the aims and objectives of the Communist Party to be overthrow by force and violence, your answer to that question or a similar question was "not always". Would you explain that, now?

A. Yes. There were cases—in fact, I know of cases where you did not recruit—I did not, and I think possibly there have been others where—if this is acceptable, this is my assumption there—you did not discuss the violent overthrow of the government, that is, the overthrow of the government by force and violence. You simply told them the elemental program of the Communist Party linking with that its final objective which was the overthrow of capitalism and establishing the Soviet system. That always was explained. We didn't always use the exact terminology that you used there.

Also much depended upon the degree of political maturity on the part of the person you were recruiting. Some people were already sympathizers and were further advancing their understanding. Others were not.

Those that were less advanced, that was a part of my job and work in the Communist Party following my return [from Russia] in 1933, was to acquire these probationary members and immediately put them into classes and to teach them the basic principles of Communism in order to retain them in the Communist Party.

So it varied. Some knew more than others. Others needed more explaining, because they didn't know.

(N. 87) Q. What about Mrs. Maisenberg?

A. She had a good understanding of the program. She had been a sympathizer for a long time, so she said, and that was not the problem. It seems she had a family and other responsibilities.

* * * * *

Q. All right. Subsequent to the time she became a member of the Party, then, would you classify her as a rank and file member?

A. Well, yes, as to position, she was a rank and file member when she entered, as all new members are, although they may have a much better understanding than some folks who have been a member for a total period of years.

Q. That is what you refer to as political maturity?

A. Well, as you mature politically you are advancing in your duties and in your station in the Communist Party, that is, the offices that you may hold. Or you may not hold any, but your progress in understanding is taken into account. You may be assigned here, there and elsewhere because of your political ability. Usually you are always accepted, promoted to or placed in responsible positions because you are politically capable, educated and politically capable of occupying those positions. That is required.

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(N. 88) Q. Now, during the period of your membership, did you ever have occasion to be present where Mrs. Maisenberg discussed or taught the aims and objectives of the Communist Party?

A. Yes, I have.

Q. All right. And would you please state to the court what was said and to the best of your recollection the time and place?

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(N. 89) A. Surely. Where she gave her regular reports from the District Bureau. The Bureau makes decisions, as I explained, and they submit these to the Section Organizer. The Section Organizer gives the report and instructions to the Section membership. When there are decisions, important decisions, changes in policy or line, that procedure is followed.

(N. 90) I recall the occasion when the T. U. L. was abolished, and there were discussions preparatory to the—this was following the abolition—preparatory to the Seventh National Congress of the Communist International, there was an educational campaign going on to acquaint the members, to prepare them for the tactical reorientation. Mrs. Maisenberg gave the report to the Section membership meeting on that occasion from the District Bureau, explaining the certain phases of the tactical reorientation. I don't recall that she used this term.

In effect she said, during the report, among other things, of course, that the essential line of the Communist Party, including its elemental demands, except as conditions may

vary, and the overthrow of the system and government and the establishment of a Soviet America had not changed, but that certain methods and policies had changed because of certain conditions that she explained and other speakers assisted in explaining.

Now, this was during the—prior to the Seventh World Congress, either in the latter part of 1934 or the early part of 1935. Now, there were other such meetings at which Party policy was discussed. In fact, in all committee meetings and functionary meetings you discussed more or less basic policy, at that time, and in membership meetings also. In fact, that is what you discussed at Communist Party meetings—policy, tactics and so on?

(N. 91) This is as near as I can recall as to specific statements, and this statement had to do with a change of policy which was ordering a tactical reorientation as announced in the Seventh World Congress in 1935, and there were specific explanations to the membership as to the new policy.

Q. So that I am positive about this, I am going to ask you a question that may be duplicating. Were there any occasions when you were present with Mrs. Maisenberg when neither you nor Mrs. Maisenberg talked about the aims and objectives, but someone else did?

A. Oh, yes.

Q. And what was said, and on what occasions, to the best of your recollection?

A. I recall on a number of occasions at membership meetings at Ferry Hall, Finnish Hall, when John Smees (?) specifically, and later Weinstone, spoke to Section membership meetings of Section One.

Q. Who were Smees and Weinstone?

A. Smees was District Organizer in 1933, 1932 and 1933, 1933 that I know about, and Weinstone succeeded him in 1934 and was the District Organizer when I left. Now, I know one time—I will not use the word “verbatim” again as to what they said—but they said in effect what I have explained here, the basic policies of the Communist Party, the Communist International, its elemental program, *partial demands leadings towards the ultimate objective which was the overthrow of the government and to breaking it up and*

establishing the dictatorship of the proletariat in the form of the Soviet, and that the orientation—the reorientation, tactful reorientation did not change that basic objective of the Communist Party. This was done all the time, in routine, throughout that period from 1934 through, still going on to some extent when I left, to implement and explain the decisions of the Seventh World Congress.

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[On re-cross examination Nowell testified as follows:]

(N. 97) Q. All right. Now, on re-direct examination by Mr. Hamborsky you were asked a question concerning what Mrs. Mäisenberg said in effect concerning the overthrow of the government, and you recollected a specific occasion when she made a report on the abolition of the T. U. L. and you actually recounted here what substantially she said in 1934 and 1935.

A. Well, I said before—

Q. (Interposing): My question to you is how is it that you are able to remember this particular incident in 1934 and 1935, and still were unable to answer specifically of such occasion when first asked by Mr. Hamborsky?

A. There is no inconsistency apparent in my answer that I don't recall specific statements. I don't know whether I said "occasions" or not. But there were a number of occasions, I said, and I didn't go on and state any specific one. I went on to say that I did not—could not quote verbatim what was said. Now, that was never answered thoroughly as to whether I remember any occasions or not.

Q. But now you do remember this specific occasion in 1934 or 1935?

A. Yes, I do.

Q. In which she gave a specific report and in which she made a specific statement concerning—

(N. 98) A. (Interposing): There was not anything so specific about it. I have said I remember generally.

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(N. 103) Q. (By Mr. Goodman): Mr. Nowell, when did you first remember this occasion after you say it occurred in 1934 or 1935?

A. I have never forgotten the occasion.

Q. Well, when did you have—when was the first time when you mentioned it to anybody connected with the Government?

A. I don't know that I mentioned it at all.

Q. You mean you first remembered it here on the—the first time you say you mentioned it is when you were here on the stand; is that it?

A. I don't recall that I have mentioned any occasion at which she gave such a report at all, on any specific occasion.

Q. Well, all right. Then you first gave the account you have mentioned here on the stand, while you were a witness on the stand? You didn't give an account of that incident prior to taking the stand?

A. I have given no account of any specific incident at any specific time.

Q. I am talking of your testimony as to what you remembered occurred at this meeting in 1934 or 1935, and my question is had you given an account of that to anybody prior to the time you took the stand?

A. I don't recall that I did.

Q. All right.

A. I may have.

Q. You mean you don't remember?

A. I may have, in general,—

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(N. 105) Q. And how many other meetings have you ever attended where Mrs. Maisenberg was present?

A. Oh, I should think two hundred, three hundred.

Q. And you presently remember the report she made at that particular meeting concerning the abolishment of the T. U. L.?

A. Yes. But let me explain this, your Honor. You recall that in my previous testimony, direct examination, I said that I was a member of the Section Committee from 1935 until the end of 1936, and that I was constantly at meetings, Section Bureau meetings or Committee meetings, Section membership meetings, Section functionary meetings, and a number of different meetings, and I haven't all

that specific. I haven't testified to that as yet. I have testified to what in substance was said on an occasion—an occasion, mind you—and not on the occasion.

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Q. And do you remember what Mrs. Maisenberg said, in substance, at each of the other meetings, estimated at several hundred, at which Mrs. Maisenberg attended and at which you were present?

A. She didn't speak at all of them.

Q. All right. How many of those meetings did she speak?

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(N. 106) A. Oh, I wouldn't have kept that count.

Q. A great many, were there not?

A. There were a great many meetings.

Q. Were there a great many at which she spoke?

A. I should not say a great many. She spoke occasionally at those meetings.

Q. Can you tell us, in substance, what she spoke about at each of those meetings when she did speak?

A. In general membership meetings you don't notice so much—

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WITNESS RENO

[Reno testified that he was Organization Secretary for the Michigan District of the Communist Party from 1931-1934 and 1937-38. He identified Petitioner as a Section Organizer in Detroit and a member of the District (State) Committee "from 1933 through 1938" (Tr. 29). While he "guessed" that he had attended "probably in excess of two hundred (closed) meetings" of the Party with Petitioner, he repeatedly emphasized: "I wouldn't be able at this time to reconstruct any specific conversation. I can only give the general substance of what would be discussed with any Section Organizer" (Tr. 30). He was permitted to testify as follows:]

(Tr. 33) A. Those discussions would be principally discussions of a check up on activities in a particular Section, pertaining to the increase or decrease in membership, and discussions as to stimulating recruiting or enlistment of

members in the Communist Party; discussions as to application of the Party's policies in that particular Section; discussions as to distribution of literature, distribution of the Daily Worker, increase of dues payments, regular meetings of the Units, and this would be the general substance of such discussions.

Q. (By Mr. Hamborsky): Any discussion in regards to literature?

A. Well, discussions, with Section Organizers usually—in fact nearly always, would cover the problem of distribution of literature and distribution of the press, because the press and literature are the principal propaganda instruments of the Communist Party. Such a discussion would almost always cover such a—such points.

Q. Well, who was charged with the responsibility for distribution of literature?

A. Literature was usually handled through a Literature Agent. The press was usually handled through a Daily Worker Agent. There was a District Agent; there were Section Agents. However, Section Organizers were responsible for the over-all activity of their Sections, and in this sense, with emphasis on literature, Section Organizers were responsible that this was carried through, too.

• • • • •

(Tr. 34) Q. All right. Now, during the latter period when you were Organizational Secretary, did you have occasion to discuss with Rebecca Maisenberg the distribution of the Daily Worker?

A. I can only say—I can only say this, that I had occasion to discuss with Section Organizers in that period distribution of the Daily Worker, and I wouldn't be in a position to say I had specifically discussed it with her as an individual. But inasmuch as she was a Section Organizer, I probably did.

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(Tr. 35) Q. (By Mr. Hamborsky): Did you discuss these problems with Section Organizers individually, or were all Section Organizers present when this was discussed?

A. There were two—these discussions were two types. There were the meetings of all the Section Organizers at

one time; and on other occasions you would discuss individually with one Section Organizer the problems pertaining to that particular Section.

Q. Well, then, during the period in the testimony you have just given in respect to Rebecca Maisenberg, what kind were you referring to when you testified as you have?

(Tr. 36) A. Well, I was thinking—I testified in this sense: That unquestionably I have had discussions with all the Section Organizers at one time at which she would be present. I am more or less assuming—although in my mind it would be true—that I have had individual discussions with her in the same way, so my testimony means that I have had these discussions with all the Section Organizers at one time and probably with her as an individual, since I had discussions with the individual Section Organizers.

* * * * *

(Tr. 38) The Witness (interposing): Well, I can say this definitely: I have had individual discussions with her, and I think I said this before. There is no question in my mind I have had individual discussions with her through these years and at these meetings these points would have been discussed. But I can't say that I can recall any of the specific substance of the discussions and at this moment I can't recall the hours or the exact spots.

Q. (By Mr. Hamborsky): I have never asked you for the hours or the spots—

A. (Interposing): I see.

Q. (Continuing): —Mr. Reno.

A. Well—

Q. (Interposing): I wanted in substance what was discussed with Rebecca Maisenberg, if you can recall, to the best of your recollection.

The Court: I think he has covered it as much as he feels he can.

Mr. Hamborsky: Well, that is all.

WITNESS STEWART

[Stewart testified that he was a member of the Communist Party from 1931 to 1937. In December of that year he attended a Communist Workers Camp or School near Detroit at which he met the Petitioner who also was attending classes at the school (Tr. 40-43). There were 35-40 in all who attended and lived at the school. "The subjects taken up there were * * * some of the excerpts taken from the *Communist Manifesto*. We studied out of the book *State and Revolution* by Lenin. We studied other books of Fred-eric Engels, Marx, and many pamphlets" (Tr. 45).

Stewart was asked concerning what was taught by the instructors at the school:]

(Tr. 46) A. Yes. I was talking about Al Goetz in particular, what he taught. He was trying to explain that—he was a representative—he was a member of the District Bureau of the Communist Party of the State of Michigan, and he taught in this school, and he was also a member of the—head, at least, of the Unemployed Councils in this District, and he was teaching in this school about the relation of the unemployed to the—in regards to the Communist Party and its activities. Al Goetz also spoke that very—and taught that every issue that the—I don't care how small, even if it is the unemployed issue, it led to the ultimate aim.

(Tr. 47) A. (Continuing): And he taught that, I don't care what issue it was, how small, it led to the ultimate aim.

Q. (By Mr. Hamborsky): Ultimate aim?

A. Yes. *The aim of—the unemployed—any unemployed in relation to the Communist Party teachings generally, which was the question of revolution.* And some of the other ones taught such as—or discussed there, the Second and Third International, in this—

Q. (By Mr. Hamborsky): Who was the instructor?

A. Cross Mischoff. And in regards to the Second and Third International, *the Communist Party, through Cross Mischoff, stated that the Second International was bankrupt and that it could not—it couldn't represent—reach the people any more, and that it had become—the International—that it had—didn't teach revolution any more, and the difference in the Communist Party International, the Third International, was that it did teach and preach and practice revolution* (Tr. 48).

And they also discussed Party—Party structure, * * *

* * * * *

A. And these councils was the idea that the unit—they were discussing particularly how the Party worked in Russia, how they organized in the Shops Councils, * * *

* * * * *

And there was other topics taken in regards—that is, current problems of the day, Anthony—Tony Garlack, he talked on—his particular topic was the Trade Unity League, what they called the TUL.

(Tr. 49) The TUL is an organization, something that was supposed to be the—have affiliations with other organizations—I mean it built up to the TUL. That is what I mean.

And they also discussed the great steel strikes of 1919, led by William Z. Foster. We used those lessons.

And throughout all this, whatever they were discussing, whatever subject was taken up, *all amongst the Communists was always understood that everything would be—lead to the revolution, as well as they was always talking about sharpening the class struggle, establishment of the dictatorship of the proletariat, and various slogans of that type, as well as one distinct statement that is made, and made in that school, and made so that all the class could hear it, and at all times, was that capitalism will not die, it has to be killed.*

This is one of the things that they brought out particularly about in regards to the Second International, called the Socialist International, that they had got away from the class struggle and that only the Communist

Party maintained this program of the class struggle revolution.

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(Tr. 50) Q. (By Mr. Hamborsky): Well, now, I believe you mentioned that one of the discussions—I don't recall which one, which one of the leaders that you mentioned, but the discussion in regards to the Communist Party of the United States, and the Communist Party of Poland, Germany and Japan. Can you give us a little more in particular in regards to what was said at that class?

A. Well, the discussion at that time was that the Communist Party of Germany was second to—in size to Russia, the Russian Communist Party, but that the Polish Communist Party was to be—was the strongest and best organized and most active of the Communist Parties. And in the Japanese question, the Japanese Communist Party was small but active, but it didn't have much influence as yet.

(Tr. 51) And in studying America, the American Communist Party, which at that time Earl Browder was head of, Clarence Hathaway, editor, I believe, of the Daily Worker, and things like that—we discussed the mistakes that was made in the steel mill strikes of 1919, and discussed about Samuel Gompers and the Knights of Labor—at least we studied the Knights of Labor, before the American Federation of Labor was formed, and all this was in relation to show they were not the organization to—that the workers could depend upon. They had to be a—that it was—that these organizations at least had not become the organizations of the people any more, of the workers; *that only the Communist Party and the Communists alone could lead the workers to a successful establishment of a revolution and work in the government.*"

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(Tr. 56) Q. What were you taught?

A. We were taught that in the Unemployed Councils, that while feeding the workers; while trying to feed the workers, we were definitely trying—*told that the ultimate aim of the Unemployed Council was the same as the aim*

of the—of all of the Communist organizations of that time, to lead up to the revolution, such as in strikes, supporting strikes, as demonstrations, meeting and getting acquainted with the class struggle.

Q. What were you instructed along the lines of strikes or demonstrations?

A. In strikes, we were instructed, firstly, to support all strikes, especially if they were—that there were issues involved. *Then we were also instructed that from demonstrations, the workers getting the habit and the idea of marching and congregating together, that would be part of the struggle, the organizational struggle to prepare for the revolution.*

Q. Were you instructed why to support all strikes?

* / * * *

(Tr. 57) A. The Communist Party states that the Party must lead all actions of the workers, whether it is the Unemployed, the employed, or whatever—whatever it may be, such as in strikes, for instance, they had an organization that is taking care of the strikers, that is, defending them in the courts, and we were instructed that in case we were arrested what to do and what not to do.

* * * *

(Tr. 58) Q. Now, what were you instructed in regards to this last answer you just gave the—what to do in these strikes?

A. Well, in case of arrest, we weren't supposed to furnish no—we weren't supposed to furnish nothing but the name, and not even that if we could help it, no address—leave all the investigation, as far as you could, suppose to leave it for the police forces and the state, and the city, whatever the case—whoever arrested you. We weren't to cooperate at all.

Q. With whom?

A. With the courts or the Police Department of the City.

* * * *

(Tr. 59) Q. (Interposing): Did they tell you why you were not supposed to—why you were supposed to fight all the way through?

A. As a part of the class struggle, and to get militant workers, supposed to be—they are supposed to be militant, when you didn't—what they call weaken before the Police Departments.

Q. Well, did they instruct you why you should be militant?

A. Yes, they did.

Q. What did they instruct you along those lines?

A. *We were instructed that to be militant was to be the sign of a good Communist, firstly, and that we would also deter any investigation of anything that might be put out.*

Q. Well, were you instructed at the school the aims and objectives of the Communist Party?

* * * * *

(Tr. 60) A. *The aim is the—is the establishment of the workers in a peasant government.*

Q. Where?

A. *Revolution. In the United States.*

Q. How?

A. *By the overthrow of the American government by arms.*

Q. And did they teach, in this school, the aims and objectives in relationship to the various subjects that you have mentioned?

A. Yes.

Q. In other words, I believe, among others, you have got the unemployed situations, strikes, strike strategy, and demonstrations.

A. Yes.

Q. Now, I don't believe I asked you what you were instructed along the line of demonstrations. What were you instructed?

* * * * *

(Tr. 61) A. * * * In a demonstration, you listened to the speakers, and the speakers, whatever they happened to be talking about. But then along with that you have certain procedures set up for a demonstration, which at that time was to protect speakers, to keep them from the Police Department, protect them from other groups, or—

* * * * *

Q. Thank you. Now, in regards to the aims and objectives that you were taught in this school, what were you taught in relation to the various Communist parties you have mentioned, the Communist Party of Germany, Poland, Japan and the United States? Were you taught the relationship of those parties?

(Tr. 62) A. Yes.

Q. What were you taught was the relationship?

A. We were taught in this school that all Communist Parties were affiliated with the Communist International, which is the Third International, and that we in America—the American Communist Party was only a section of the Communist International of the general Communist Party, such as some of them I have named, and many others, French, and all the Communist Parties.

Q. Well, did they instruct you why you studied these various Communist Parties?

A. Yes.

Q. And what did they instruct you along those lines?

A. They instructed along these lines for a while, you were studying these parties to learn—or to draw a lesson and comparison of one to the other. If one party was considered—it handled a certain issue properly—what they considered properly—this particular party that did this was used to compare with the ones that did not.

Q. Well, what ones were used to compare, let's say, with the Communist Party of the United States?

A. Well, the Polish Communist Party was considered the best of all—at that particular time—of all the Communist Parties, where it was—it was strong, it was active, and well, that they declared it was just a good live Communist Party. When in Germany the Party was larger and had got a lot of votes just prior to this, and—but yet still it wasn't held as the best of the Communist Parties.

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(Tr. 65) Q. Did you discuss the one in Russia?

A. Yes.

Q. All right. And what did you discuss in relation to the one in Russia and the United States?

A. Well, the Communist Party in Russia was the largest Party of the two. It had—the largest Party of all. And it had gained or successfully conducted a revolution, and we studied the activities of the Russian Communist Party, as much as possible, to—in comparison to other Communist Parties, as the American Communist Party as well as the German Communist Party, and we—the lessons of the Russian revolution was taken in. I think we get that in the book of State and Revolution.

Q. Now, what were you instructed in regards to revolution?

A. That the revolution was, firstly—the time it happened, it would come in after the—after the 1917 in Russia, and that the Russian revolution had throwed off its—supposed to be the Czar, its former government it had, and that the Russian revolution had led the way for all Communist Parties—the Communist Party of Russia had led the way for all Communist Parties to follow throughout the world.

(Tr. 66) Q. Well, were you instructed at this camp why you studied the Russian revolution?

A. We was to further—to clarify the issues and to make a better Communist—

Q. (Interposing): Were you instructed—

A. (Continuing): —make better Communists out of—Communists and the Communist Party in America.

Q. Now, it has been a long time since I asked you this question, and I want to make sure that—have you listed the books that were the subject of your study at this Workers' Camp?

A. No, I haven't made any—

Q. (Interposing): Would you list them, please? What books?

A. Well—

Q. (Interposing): What books were you taught out of at this camp?

A. We were taught out of the excerpts from the Communist Manifesta. We were taught out of the book of State and Revolution. And, let me see. Then there was

pamphlets on the—that we discussed, that we studied out of the—the Central Committee had issued, I think, on the great steel strikes of 1919. I don't remember all of them. There is—

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(Tr. 67) Q. (By Mr. Hamborsky): I believe, Mr. Stewart, when you discussed the composition of this particular class, you stated something about thirty-five in the school. Did that include instructors and students, or was that only students?

(Tr. 68) A. Well, that would be students and student leaders.

Q. And Rebecca Maisenberg was one of those in that particular class?

A. Yes.

* * * * *

(Tr. 71) Q. And in your capacity there in Section One, did you have occasion to work with Rebecca Maisenberg in the Communist Party?

A. Yes.

Q. And what did that consist of?

A. Well, just ordinary Communist activity, meetings and distribution of literature.

Q. What type of literature?

A. Well, the Daily Worker, and many pamphlets that was always being passed around, and as well as some Party literature which I can't name them right now.

* * * * *

(Tr. 72) Q. Let me ask you this: Did you ever have discussions, any discussions with Rebecca Maisenberg in regards to the Communist Party during your membership in the Communist Party?

A. No, I never had direct with her myself.

Q. Were you ever present at a Section meeting when she discussed Party policies?

A. Yes.

Q. And what was said, and when and where, to the best of your recollection?

A. I don't remember exactly what was said, with the exception that these—these Section meetings problems

was always taken up of Units, of the problems of that particular Section which later on the Section was divided into a sub-section. I think it was Oakland Section, it was called. And just general Communist Party activities that would be discussed there.

Q. Well, can you state with more certainty what Mrs. Maisenberg said on any occasion?

* * * * *

(Tr. 73) A. I am trying to remember. I can't remember any definite thing right now.

* * * * *

(Tr. 79) Q. (By Mr. Hamborsky): In substance, what she said during that particular time when you and she were members of Section One, and she was the Section Organizer?

A. Not any given occasion.

Q. I don't—no, not any given occasion. I didn't ask that ques- (Tr. 80) tion.

A. Well, I have—I have heard her discuss the Communist Party and the—

Q. (Interposing): Well, what did she say about it?

A. Well,—the discussing the Communist Party, it would be discussing about the Scotsboro issue, was one of the issues we discussed at that particular time. And on the election campaigns, things like that. But I don't remember just exactly what she discussed at any particular time.

* * * * *

Q. Did she ever ask you to bring a Communist Party member into the Party?

A. All Communists ask that. She did, too.

Q. Did she ever discuss why it was important to bring Communist Party members into the Party?

* * * * *

(Tr. 81) A. That—to get Communist Party members into the Party, to make the Party larger, and that the Party was the best organization for the people, to be a member of.

(Tr. 83) Q. (By Mr. Hamborsky): Will you answer why she said it was necessary to bring in members and build up the Communist Party? That, in substance, was the last question?

A. What was that? Shall I answer it again?

* * * * *

Q. Would you answer it?

A. To make the Party a larger Party, increase members, and that the Communist Party was the best organization or Party to be a member of. That's what I said before.

(Tr. 84) Q. Well, that is the point when I asked why. Did she say why the Communist Party was the best Party to be a member of?

A. Well, the—

Q. (Interposing): Did she say why?

A. Yes.

Q. All right. What did she say, then?

A. That the Communist Party is the Party of the working class, and only the working class could be a member of the Communist Party, and that the Communist Party was the Party for the working people.

* * * * *

(Tr. 85) Q. (By Mr. Hamborsky): Well, did she say why the Communist Party and the workers should belong to the Communist Party? Did she say why?

* * * * *

(Tr. 86) A. *She said that for a successful—to join so that the Party would be successful in creating a workers' and farmers' government in the United States.*

* * * * *

(Tr. 87) Q. (By Mr. Hamborsky): She said nothing more, then. Is that correct?

The Court: That is what he said. It isn't my fault if these witnesses don't always answer the way you expect them to.

Q. (By Mr. Hamborsky): Did she, during the period she was Section Organizer, discuss with the Section in

any of these Section meetings the organizational problems of the Section?

A. Yes.

Q. What did she discuss along those lines? What did she say?

A. Well, I don't remember exactly, because it was discussed so many times. I mean it was discussed at meeting after meeting, we discussed it, so many times, different times. I don't remember exactly what she said.

* * * * *

(Tr. 89) Q. Mr. Stewart, before lunch I think we ended about the point of the Org letter. Am I right or not? Anyway, would you explain what the Org letter was during that period of time, 1934 through '37?

A. The Org letter was a set of directives that was sent to the Sections and the Sections to the Units. In that Org letter it took—it was directives on whatever the Communist Party was discussing at that particular time, what they was working on. And it was the Communist Party that sent this to each Unit of the District Bureau. It comes from the District Bureau in the City of Detroit, and in this it had on it, I would say, for instance, different literature, the distribution of literature, the necessity of distributing literature, recruiting drives for memberships, oft-times, as well as the education of the Unit and the membership, along with—sometimes about directives for holding mass meetings, and where and when and about what, and demonstrations and so forth. That was what was in the directive—that was in the Org letter as a rule.

(Tr. 90) Q. All right. And did you hear Rebecca Maisenberg when she was Section Organizer discuss the Org letter in your presence?

A. Yes.

Q. And how many occasions would you say?

A. Too many to name. I don't know exactly.

* * * * *

(Tr. 92) Q. (By Mr. Hamborsky): I asked this question, that during that period of years you have named the location, at Ferry Hall, and you said from 1934 to '37 on many occasions. I want to know what, in substance, you heard Mrs.—or Rebecca Maisenberg say.

Mr. Goodman: I object to that. What he wants this witness to say is what he heard her say many times over a period of three years. How could that be otherwise than a conclusion?

The Court: Oh, no. If I kept hearing you say, for three years, "Let's shoot the President", I could say that, couldn't I?

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(Tr. 93) Q. (By Mr. Hamborsky): The question was, over this period of time of three years, at the place where you stated, can you give me the substance of what was said by Rebecca Maisenberg?

A. Yes. In this—well, what she was saying was in regards to saying—for instance, in regards to recruiting she would bring out that it was necessary to recruit members, and also it was necessary to—

Q. (Interposing): Members where?

A. Recruit members into the Communist Party. And also to—the necessity of distributing literature, and reading of it, and distributing of it, and getting other people interested in the literature, and as well as the organization, and was carrying out the directives of the Org letter in general.

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(Tr. 95) Q. (By Mr. Hamborsky): Did she, during this period that you are testifying to now—now, you have stated that, in substance, she said we need a bigger Communist Party. Did she ever say why? Did she ever give a reason?

A. Yes.

Q. At these meetings?

A. Yes.

Q. And what did she give?

A. *To organize the Communist Party along the lines that would eventually lead to revolution.*

.

(Tr. 96) Q. (By Mr. Hamborsky): Well, what, if anything, was said by Rebecca Maisenberg concerning distribution of the Communist Party literature?

(Tr. 97) A. Well, the necessity of the getting it out, and getting it in the hands of the people, and into the hands of the membership, the general C P members, Communist Party members, and that it was necessary to get it out because that the—the Communist Party was the Party of the working class and it was going to read the literature—*get the people to read the literature, we would eventually have a revolution.*

[On Cross-Examination Stewart admitted that, while he was taught "Marxism-Leninism" from "many books" at the 1931 Workers School (Tr. 101), (these books are in evidence as Government Exhibit No. 3). (See *supra*, p. 7, note 4) and that these books "are the basic writings of Marxism-Leninism" (Tr. 109), he could not "remember anything" he studied out of those books "right now" and could not remember "the names of the books any more" (Tr. 103-109). He was then asked:]

Q. But you have testified—

A. (Interposing): At this time—

Q. (Continuing) —this morning as to what you remember was said in substance at some of those classes?

A. That's right.

Q. By particular persons. Didn't you?

A. That's right, yes.

Q. And you say you can presently remember those things that were said?

A. That's right.

Q. And yet you cannot remember whether you were taught these basic documents and books of Marxism-Leninism?

(Tr. 110) A. Not by name.

• • • • •

Q. How many times have you testified in deportation cases on behalf of the Immigration and Naturalization Department?

A. About ten—probably ten times.

Q. How many times have you testified in denaturalization cases?

(Tr. 112) A. Twice.

* * * *

(Tr. 113) Q. You got paid from the Immigration and Naturalization Department?

A. Yes.

* * * *

Q. What have you been paid?

A. A day, \$4.00.

Q. \$4.00?

The Court: How much?

A. \$4.00.

(Tr. 114) Q. (By Mr. Goodman): \$4.00 a day. What have you been paid in other cases?

A. I have been paid as high as \$25.

* * * *

Q. In other words, the lowest you have got is \$4.00 and the highest you have got is \$25?

A. That's right.

* * * *

Re-direct Examination

(Tr. 115) By Mr. Hamborsky:

Q. Mr. Stewart, what was your understanding of the aims and objectives of the Communist Party at the time that you were a member thereof?

Mr. Goodman: I object to that. I didn't ask this witness anything about his understanding. I asked what he was taught in the school.

* * * *

(Tr. 117) Q. (By Mr. Hamborsky, interposing): Well, what was your understanding as to what you were taught of the aims and objectives of the Communist Party?

* * * *

(Tr. 118) A. I was taught by direct word from instructors at the school, and along with what I read myself, that the ultimate aim of the Communist Party was for organiz-

ing and to overthrow the government of the United States Government. That is all Communists' understanding.

• • • • •

(Tr. 120) Q. (By Mr. Hamborsky, interposing): Were you taught how they were going to attain these aims and objectives?

A. Yes.

Q. What were you taught?

A. *I was taught that through organizing of the Communist Party—of the—into the Communist Party that,—and studying of books and literature and like that, that they would organize for the eventual overthrow of the government.*

• • • • •

(Tr. 121) Q. (By Mr. Hamborsky): Did you have a course of revolution?

A. Yes.

Q. And did you study the Bolshevik revolution? Isn't that what you testified to?

A. Yes.

• • • • •

(Tr. 122) Q. (By Mr. Hamborsky): And what were you taught at this Workers' Camp in regards to the revolution?

• • • • •

A. I was taught the—in the Second International, the Second International had been bankrupt and that it no longer represented the people, and it didn't represent the best interests of the people. That the *Third International, which was the Communist International, taught revolution and not to—by armed violence, or violence—at least violence.*

(Tr. 123) The Court: And not by armed violence, did he say?

A. By armed violence, by—

• • • • •

(Tr. 124) Q. Were you taught in the School, the Workers' Camp, why you studied the Bolshevik revolution in Russia?

A. I was taught the Bolshevik revolution to—from Russia in comparison to the Communist parties throughout the country—throughout the world, all Communist Parties. *And we were taught it for the purpose of showing the—how the Bolshevik revolution come about, how it was made possible. And then it was used for examples to—I mean, it was used as an example to liken the American Communist Party to the Bolshevik Communist Party in Russia, which was the overthrow of Russia.*

Q. It was likened as to it, is that what you said?

A. In comparison—used it for comparison purposes, to find the shortcomings in the American Communist Party, and use it as a lesson for the—*use the Bolshevik Communist Party as a lesson to be applied to the American Communist Party.*

Q. What was the lesson?

(Tr. 127) A. *The lesson—the lesson that the reason for studying the Bolshevik Communist Party in relation to the American Communist Party was to show that the Bolshevik—how the Bolshevik Communist Party activated itself, and how it operated to the establishment of the—the overthrow and establishment of the workers' and farmers' government in Russia, and this was did because—in relation to the American Communist Party to show the American Communists how to organize their Party or follow the example of the Bolshevik Communist Party of Russia, and to take steps to learn to organize—to take steps to the eventual establishment of—and overthrow of the government here and the establishment of another one, of the Communist government that would be here.*

(Tr. 140) BERENIECE A. BALDWIN, a witness called on behalf of the Government, having been first duly sworn by the Clerk, testified as follows:

Direct Examination

• • • • •
(Tr. 141) Q. (By Mr. Hamborsky): Would you please state for the court the circumstances under which you joined the Communist Party?

A. Yes. After several conferences with agents of the Federal Bureau of Investigation, I joined the Party in 1943.

• • • • •
(Tr. 141) Mr. Goodman (interposing): Just before we proceed, your Honor, I want to make an objection at this time. Since it is evident from the witness's testimony she was a member of the Communist Party from 1943 to 1952—five—that is, the beginning of her membership was five years subsequent to the naturalization of the defendant. I want to object—five years. I think the naturalization was 1938, wasn't it?

• • • • •
(Tr. 145) Q. And during your period of time in the Communist Party, did you have occasion to meet Rebecca Maisenberg?

A. I did.

Q. Do you see her in the court room today?

A. Yes, I do.

Q. And would you state when and the circumstances under which you met Rebecca Maisenberg?

A. Yes. I had seen her at various meetings prior to 1944, and as I recall she attended the State Convention in the fall of 1944. However, in the fall of 1944 I was sent to her Club particularly to attend a meeting there.

• • • • •
(Tr. 147) Q. And during this particular time, do you know whether or not Rebecca Maisenberg held any positions in the Communist Party?

A. Yes, she did. She held position as Club Chairman or Club President of the Oakland Club.

Q. The what club?

A. Of the West Side Club. And that was in 1944. And later on she became the Literature Director of the Book Store, which is the Communist Party Book Store.

Q. Literature Director for what area?

A. For District Seven of Detroit, State of Michigan.

Q. Was she on the State Board of the Communist Party during any of your period of membership?

A. Yes, as I recall, she was.

Q. And what would be, for example, the duties of a Literature Director for District Number Seven?

A. To see that literature, Communist Party literature, propaganda, would be gotten into the hands of the various Club members, through Sections, or otherwise.

Q. And what type of literature would this be?

(Tr. 148) A. *Well, it included all of the Marxist-Leninist, Engels classics, the revolutionary books, and other periodicals.*

Q. And periodicals. What type of periodicals, for example?

A. Such as The Communist, which was later known as Political Affairs. Masses and Main Stream. The Worker. The Daily Worker. The Michigan Herald. And others.

* * * * *

(Tr. 148) Q. Well, let me ask you this: What, then, would be the duties or responsibilities of the Literature Director of the State of Michigan, in regards to education?

* * * * *

(Tr. 150) The Court: You may have the last question.
Mr. Hamborsky: Yes.

Q. (By Mr. Hamborsky): Can you answer that?

A. Yes, I certainly can. The Literature Department of the Communist Party was the mainstay, *because it was through the educational director of the state that the people would be educated in the revolutionary movement.*

Q. And then your testimony is that Rebecca Maisenberg was in charge of the distribution of that literature for the State of Michigan?

A. Yes, the propaganda literature, yes.
Mr. Hamborsky: That is all.

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(Tr. 177) LEO SYRAKIS, a witness called on behalf of the Government, having been first duly sworn by the Clerk, testified as follows:

Direct Examination

By Mr. Hamborsky:

Q. What is your name?

A. Leo Syrakis.

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(Tr. 178) Q. Now, during the period of your membership in the Communist Party, what position or positions did you hold in the Communist Party?

A. I was the Secretary of the Greek Political Bureau.

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(Tr. 179) Q. And now do you know Rebecca Maisenberg?

A. Yes, sir.

Q. And do you see her in the court room today?

A. Yes, sitting next to the attorney.

Q. And when did you first meet her?

A. I met her at Finnish Hall the first part of 1935.

Q. What kind of a—what was the occasion of the meeting?

A. It was a general membership meeting which Earl Browder spoke.

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(Tr. 179) Q. Now, at this particular meeting, where did you see Rebecca Maisenberg?

(Tr. 180) A. I saw her at the meeting. She was sitting with the functionaries, was sitting in—

Q. (Interposing): Where would that be? Where were the functionaries sitting?

A. In the presidium, in front of the—

Q. (Interposing): And how many were sitting up there in the front?

A. Oh, about six or seven.

Q. You say the speaker was Earl Browder?

A. Yes, sir.

Q. What did he speak about on that occasion?

A. He was explaining why the Soviet Union joined the League of Nations.

* * * * *

(Tr. 181) Q. Now, on those occasions that you have testified to, that were closed meetings that you attended with Rebecca Maisenberg, did she on any occasion—on any occasion, any of those meetings, make any statements or say anything in regards to the Communist Party?

A. Yes. Once when Raymond W. _____ ran for governor of the State of Michigan on the Communist Party ticket, she was explaining the role which the Party will play, if we put some Party members in the various offices of the State of Michigan.

Q. And what did she say?

A. *She say it was for our advantage to show our strength, how much our strength—how much strength we had if we put candidates for the offices of the State of Michigan of the Communist Party, and to our advantage if we show the strength, we would need that strength when the time comes to overthrow the government.*

Q. Now, on any other occasion did she have—did you have occasion to be present when she discussed anything in regards to the Communist Party?

A. Yes. When at the Party school, I heard her spoke with other Party members.

* * * * *

(Tr. 183) A. Yes. They were explaining the role which the Communist Party would play and the policy of the Communist Party, and she was explaining the advantage of our Party in the politics of the state.

Q. (By Mr. Hamborsky): Did she say anything further along those lines?

A. *Yes. That we have to be strong and we have to utilize our power among the working classes—among the working classes, so when the time comes we will have them as our allies for the ultimate aim.*

Q. Well, now, where was this school?

A. At Finnish Hall, on McGraw and Fourteenth.

Q. And who ran the school?

A. The Communist Party.

Q. And do you know what Rebecca Maisenberg's connection with this school was?

A. She was helping to keep the records of the school.

Q. Do you know in what capacity?

A. No, she just was helping there.

Q. Did you attend the school?

(Tr. 184) A. Yes, sir.

Q. And when was this?

A. That was in the first part of 1935.

Q. And what were you taught in the school?

A. Strike, the principle of the strike, the principles of the Communist Party, organization of the Party, and the United Front.

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(Tr. 185) Q. Now, on these occasions when you attended the school, was Mrs. Maisenberg there?

A. She was at the beginning, before classes start. She didn't attend the classes.

Q. She did not attend the classes?

A. No.

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(Tr. 185) Q. Well, Mr. Syrakis, on how many occasions would you say you attended closed Communist Party meetings with Rebecca Maisenberg?

A. Well, several meetings.

Q. And on the occasions when you heard her discuss various things about the Communist Party, can you state with any more particularity than you have up until now, statements that she made?

A. When the—when Mr. Maurice Sugar was running for Councilman and then Raymond was the president, Raymond spoke for—

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(Tr. 186) Q. (By Mr. Hamborsky, interposing): Mrs. Maisenberg was present?

A. Mrs. Maisenberg was present.

Q. All right.

A. And they were promoting Mr. Raymond for Governor for the next year, to run for Governor, *and she spoke and said why we had to have Mr. Sugar to run for Councilman, and at the same time we can promote our Party member for the Governorship of the state, so to show—to show our strength and have—at the same time have the working class allied with us, so when the ultimate—when the time comes to overthrow the government by force we know what to do, and we have the backing of the working class at the same time.*

Q. And those were statements that Rebecca Maisenberg made?

A. Yes.

Mr. Hamborsky: That is all.

Cross Examination

By Mr. Goodman:

Q. Mr. Syrakis, how long were you active in the Communist Party?

(Tr. 187) A. Oh, about ten or eleven months.

Q. And you were expelled from the Communist Party, were you not?

A. Yes, sir.

Q. And you were expelled in connection with a charge involving your personal moral conduct, were you not?

(Tr. 188) Q. (By Mr. Goodman): That was true, wasn't it, Mr. Syrakis?

A. The charge, yes.

Q. And since 1935, after your expulsion, you have never been a member of the Communist Party again, have you?

A. No.

(Tr. 188) Q. And when were you first approached by the Immigration and Naturalization Service to testify in matters involving your membership in the Communist Party, or to give information on that?

A. That was the last part of 1949.

Q. It was after you become a citizen?

A. Yes, about five or six months, five.

Q. Now, at the time you became a citizen you did not state to the Examiner or to the government during the course of your proceeding that you had been a member of the Communist Party, did you?

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(Tr. 189) Q. (By Mr. Goodman): Did you get the question?

A. No. Ask me again.

Mr. Goodman: Will you read it, please?

(Last question read by the Reporter.)

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(Tr. 190) A. I didn't tell them.

Q. All right. Now, since you were approached by the Naturalization Department several months after you became a citizen, you have testified in a number of deportation and denaturalization cases, have you not?

A. Yes, sir.

Q. And how many such cases have you testified in?

A. Well, eight or nine.

Q. You have been advised, have you not, by the Immigration and Naturalization Service, that your citizenship status may be subject to attack by—in a denaturalization proceeding?

A. No.

Q. They never told you that?

A. No.

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(Tr. 193) Q. Do you know that the councilmanic election takes—took place in the latter part of the year?

A. I do.

Q. You still say that there was a councilmanic campaign going on at that time, and there was some support being asked at that time for it?

A. It wasn't—it wasn't the way the Communists worked, though. They start about two or three years before when they want to promote something.

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A. They don't believe themselves they are going to elect anybody. They want to show their strength, how many support they had.

* * * * *

(Tr. 196) Q. Now, Mr. Syrakis, when was the first time, after this meeting in 1935, that you had any occasion to mention what had occurred or was said at that meeting, afterwards? When was the first time you mentioned it to anybody?

A. You mean—I didn't get the question.

Q. Well, since 1935, when was the first time that you ever told anybody about that meeting where you say Mrs. Maisenberg was present, and what she spoke about? When was the first time?

* * * * *

A. Oh, couple of weeks ago.

* * * * *

Q. And it is your testimony that about twenty years after this meeting took place you were able to tell what you have told here concerning what Mrs. Maisenberg was supposed to have said at that meeting?

A. Yes.

* * * * *

(Tr. 198) Q. Now, you have testified that at one meeting the defendant was explaining the policies of the Communist Party in Michigan and she made certain statements. You remember that testimony?

A. Yes, sir.

Q. All right. Now, where did that take place?

A. Took place at the Finnish Hall.

Q. What was the occasion?

A. Before the start—the school started they were discussing the policies of the Communist Party and they were discussing with another instructor there, who was helping—he was helping the material of the school. McGill. They were discussing it.

Q. How many people spoke at that meeting?

A. Four of them.

Q. How many?

A. Three or four.

Q. Three or four. How long did Mrs. Maisenberg speak?

A. Not very long, ten or fifteen minutes.

Q. Ten or fifteen minutes. What is it she said?

A. She was explaining the role of the Communist Party, the policy of the Communist Party.

Q. Yes. What is it she said? Go ahead.

A. She said how the Communist Party supposed to work in order to achieve their aims of the Communist Party.

Q. Did she say anything else that you can remember?

A. *She says how to work with the other working class people in order to have them as friends and allies when the time comes we going to need them to overthrow the government by force.*

Q. What else did she say?

A. That is all.

WITNESS PAUL ELDER

(Tr. 205) Q. And when and where did you join?

A. I joined the Party in 1936, at what is known as Fin Hall.

(Tr. 208) Q. All right. Now, Mr. Elder, when you first met Rebecca Maisenberg, what year was that?

A. In 1936.

Q. All right. And after that, from 1936 on until you left the Communist Party, did you ever attend any closed meetings of the Communist Party with Rebecca Maisenberg?

A. Yes, I did.

(Tr. 208) Q. All right. Then you stated you were—or strike that. Do you know, during your period of membership in the Communist Party what positions, if any, Rebecca Maisenberg held?

A. Most of her work was in a general nature. The only one specific job I know she had was looking after the distribution of the Daily Worker on the East Side.

(Tr. 209) Q. Well, when you were Literature Director of the Twelfth Street Section of the Communist Party, did you have occasion to discuss literature or problems of the Communist Party with Rebecca Maisenberg?

A. No, I do not believe I did.

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(Tr. 210) Q. All right. And what did she say at Yeman's Hall? At the Yeman's Hall meeting?

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(Tr. 210) A. The best of my recollection, it was for the necessity of devoting greater efforts to recruit members for the Party, and the luck of her group and the way and manner in which this work was carried on.

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(Tr. 213) Q. Now, when you and Rebecca Maisenberg were present, what type of a meeting was it in which this literature situation was discussed?

A. It was a closed Communist Party meeting.

Q. And who spoke and what was discussed?

A. Well, one of the meetings—the first one I recall was by William Weinstone. The second—

Q. (Interposing): Let me ask you this: Who was William Weinstone?

A. In 1936 he was called—his title was D. O. or District Organizer.

Q. All right. And what did he say, then, in substance? In substance, to the best of your recollection, what was said?

A. In substance—

Mr. Goodman: Can I have the year of this meeting?

Mr. Hamborsky: '36, he said.

Q. (By Mr. Hamborsky): Isn't that what you just said?

A. That is correct. In substance the meeting was for the opportunity presented to the members of the Communist Party to recruit new members because of the organization going on in the auto plants, the great number of workers who at that time were organizing, and seemingly, as he termed it, were ripe and ready because of the

feeling about organizing, and they should join because they should—it should be brought to them that the Communist Party was the vehicle for them to work in. That was part of it.

The other had to do with the necessity of a greater sale and distribution of the Party organ, the Daily Worker, and other types of literature put out by the Party.

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(Tr. 215) Q. And what did—did Weinstone at that particular meeting outline any plan or program how this should be done or how to push it or whatever he was saying at that time?

A. Well, yes, he did.

Q. Well, look. Give me the whole substance of the conversation in regard to distribution of the literature.

A. If a person belonged to the Party and knew anything about Marxism-Leninism, it was understood that if the literature of the Party was not given to other people, to everybody in the country, if the Party's program was not known, that the growth of the Party would not be fast enough or strong enough to make more recruits and build up a strong Communist Party. So the gist of his talk was that at that time, at that particular (Tr. 216) time, when the workers were sitting down in the Buick factory in Flint, when the workers were organizing to make their demands known for recognition, why, that was the time at which the Party should utilize the opportunity to make themselves known in every way and gain friends, and in the question of literature, why, it was very important to get the Party material to as many people as possible.

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(Tr. 219) Q. What as the last in point of time or years that you attended a closed meeting of the Communist Party with Rebecca Maisenberg?

A. Late—the last was in 1942, at the Jericho Temple on Joy (Tr. 220) Road, at a closed District meeting.

Q. And would you like to state how many closed meetings of the Communist Party you attended with Rebecca

Maisenberg during your period of membership from 1936 to 1942?

A. I would state the number is four, approximately. Four I am sure of.

Q. And on how many other occasions did you see Rebecca Maisenberg during that period of time?

* * * * *

(Tr. 220) A. Well, I would say five more Communist meetings, but they were rather more open meetings. That is open meetings at which non-Communist party people would come, sympathizers. They were meetings for the purpose of acquainting these people with the role of the Party and what the Communists are doing. It was done with the intention of recruiting these people.

* * * * *

Mr. Hamborsky: That is the Government's case, your Honor.